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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,114	02/27/2002	Ichiro Okajima	220118US2	3393

7590	03/24/2005

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EXAMINER
GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/083,114	OKAJIMA ET AL.
		Examiner	**Art Unit**	
		John F Gianola	2145	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 February 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-14_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All   b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _20040422_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 11, 12, and 13 rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. Claims 11, 12, and 13 are directed

towards "A program configured to effect execution..." Per the Manual of Patenting

Procedure (MPEP) 2106, functional descriptive material becomes statutory when it "...is

recorded on some computer-readable medium..." Computer code alone constitutes

"functional descriptive material" and as such, is not statutory subject matter. The

inventions in these claims are directed towards a computer program not interrelated to a

medium. As such, these claims disclose non-statutory inventions.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-14 rejected under 35 U.S.C. 102(b) as being anticipated by Wang, H. J.

et. al.

5.   As to Claims 1 and 6:

Detecting means for detecting what link is installed (see page 54, column 2, lines

31-35; and page 55, Table 2; and page 59, column 1, lines 14-18);

Managing means for defining a plurality of link metrics indicating characteristics

of each said link detected and managing data corresponding to said respective

link metrics on a table (see page 54, column 2, lines 31-35; and page 55, Table

2); and

Selecting means for selecting a link having link metrics complying with a given

condition (see page 53, column 2, lines 42-45).

6.   As to Claims 2 and 7:

Wherein said managing means generates a record comprised of the data

corresponding to said respective link metrics, for each link on said table (see

page 54, column 2, lines 31-35; and page 55, Table 2).

7.   As to Claims 3 and 8:

Wherein when a new link corresponding to neither said record is detected, said

managing means generates a record corresponding to said new link and records

data corresponding to link metrics of said link and wherein when a link

corresponding to either said record becomes undetectable, said managing

means deletes said record (see page 59, column 1, lines 14-18; page 58, column

2, lines 3-4 and page 59, column 1, lines 28-29).

8.   As to Claims 4 and 9:

A link metric rank assigning means for assigning ranks to said respective link

metrics, based a predetermined preference (see page 55, column 2, lines 33-35);

and

Data rank assigning means for assigning ranks to the data corresponding to said

respective link metrics,

Wherein when said predetermined preference is given, said selecting means

selects a link corresponding to a record having data with a highest rank thus

assigned, at a link metric with a highest rank (see page 55, column 2, lines 17-

28; and page 56, column 1, lines 28-37).

9.   As to Claims 5 and 10,

Wherein when there exist a plurality of records having data with the highest rank

thus assigned, said selecting means selects a link corresponding to a record

having data with a highest rank thus assigned, at a link metric with a next highest

rank (see page 55, column 2, lines 32-35; and page 56, column 1, lines 28-37).

10.   As to Claim 11

a process of detecting what link is installed (see page 54, column 2, lines 31-35;

and page 55, Table 2; and page 59, column 1, lines 14-18);

a process of defining a plurality of link metrics indicating characteristics of each said link detected and managing data corresponding to said respective link metrics on a table (see page 54, column 2, lines 31-35; and page 55, Table 2);

a process of generating a record comprised the said respective link metrics, for data corresponding to each link on said table (see page 54, column 2, lines 31-35; and page 55, Table 2);

a process of assigning ranks to said respective link metrics based on a predetermined preference (see page 55, column 2, lines 33-35);

a process of assigning ranks to the data corresponding to said respective link metrics; and

a process of when said predetermined preference is given, selecting a link corresponding to a record having data with a highest rank thus assigned, at a metric with a highest rank (see page 55, column 2, lines 17-28; and page 56, column 1, lines 28-37).

11.   As to Claim 12:

Where there exist a plurality of records having data with the highest rank thus assigned, selecting a link corresponding to a record having data with a highest rank thus assigned, at a like metric with a next highest rank (see page 55, column 2, lines 32-35; and page 56, column 1, lines 28-37).

12.   As to Claim 13:

Wherein when a new link corresponding to neither said record is detected, a

record corresponding to said new link is generated and data corresponding to

link metrics of said link is recorded and wherein when a link corresponding to

either said record becomes undetectable, said record is deleted (see page 59,

column 1, lines 14-18; page 58, column 2, lines 3-4 and page 59, column 1, lines

28-29; and page 58, column 1, lines 1-14).

13.   As to Claim 14:

A computer-readable memory in which the program as set forth in either one of

Claim 11 to Claim 13 is recorded (see page 51, column 1, lines 18-19).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure: Gladwin, et. al. "System and Method for Automatically

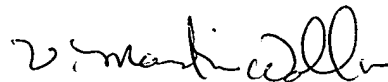Reconnecting a Wireless Interface Device to a Host Computer" (US Pat. No.

6,092,117).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John F Gianola whose telephone number is (571)272-

3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Martin-Wallace can be reached at (571)272-6159. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

jfg

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